

UNITED STATES DISTRICT COURT

District of Vermont

UNITED STATES OF AMERICA

v.

ARIEL QUIROS

JUDGMENT IN A CRIMINAL CASE

Case Number: 5:19-cr-76-1

USM Number: 12517-082

Neil Taylor, Esq. & Robert Katims, Esq.

Defendant's Attorney

THE DEFENDANT:☒ pleaded guilty to count(s) 1, 8 and 11 of the Indictment☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. §§ 1349, 1343	Conspiracy to Commit Wire Fraud	4/2016	1
18 U.S.C. § 1957	Money Laundering	4/2015	8
18 U.S.C. § 1001	Concealment of Material Fact	4/2015	11

The defendant is sentenced as provided in pages 2 through 13 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s) _____☒ Count(s) 2-7, 9, 10 and 12 ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

4/29/2022

Date of Imposition of Judgment

JUDGMENT ENTERED ON DOCKET**DATE:** 5/2/2022/s/ Geoffrey W. Crawford

Signature of Judge

Geoffrey W. Crawford, U.S. District Chief Judge

Name and Title of Judge

5/2/2022

Date

DEFENDANT: ARIEL QUIROS
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IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

60 months as to Counts 1 and 8, and 60 months as to Count 11, all counts to run concurrent.

☒ The court makes the following recommendations to the Bureau of Prisons:

that the defendant be incarcerated at FPC Pensacola in the lowest security setting available to him.

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____ .

☐ as notified by the United States Marshal.

☒ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☒ before 2 p.m. on 7/26/2022 .

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____ , with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: ARIEL QUIROS
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SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

three (3) years on each count, to run concurrent.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - ☒ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☒ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

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STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines, based on your criminal record, personal history characteristics, that you pose a risk to another person (including an organization), the probation officer, with the prior approval of the Court, may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: ARIEL QUIROS
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SPECIAL CONDITIONS OF SUPERVISION

You must make restitution payments in an amount of at least 10% of your gross monthly income until the financial obligation is paid in full. You must notify the court immediately of any material change in your economic circumstances that might affect your ability to pay financial penalties.

You must not incur new credit charges or open any additional lines of credit without approval of the probation officer until the financial obligation is paid in full.

You must provide the probation officer with access to any requested financial information and authorize the release of any financial information. The probation office may share financial information with the U.S. Attorney's Office for the purpose of collecting outstanding financial penalties.

DEFENDANT: ARIEL QUIROS
CASE NUMBER: 5:19-cr-76-1**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 300.00	\$ 8,338,600.77	\$	\$	\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Michael Goldberg, Jay Peak Receiver Akerman, LLP 201 East Las Olas Boulevard, Suite 1800 Fort Lauderdale, FL 33301		\$8,338,600.77	100%

See attached payee list (Appendix A)

TOTALS	\$ _____	\$ 8,338,600.77
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☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ the interest requirement is waived for the ☐ fine ☒ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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APPENDIX A

Last Name	First Name	Date Administrative Fee Paid	Amount
Hu	Xuemei	9/24/2012	49,880.00
Brantov	Gennady	10/1/2012	50,000.00
Han	Wei	10/12/2012	49,825.00
Li	Hantao	10/16/2012	50,000.00
Zhang	Fengling	10/18/2012	50,000.00
Xia	Yufeng	10/22/2012	50,000.00
Geng	Xin	11/7/2012	49,875.00
Solarte	Alfredo	11/15/2012	50,000.00
Boctor	Youssef	11/15/2012	50,000.00
Lv	Weiting	11/30/2012	49,812.20
Zhang	Fan	12/13/2012	49,975.00
Ages	Bonnie Melanie	12/17/2012	49,990.00
Zhang	Ling	12/19/2012	49,958.00
Yan	Wenxing	12/21/2012	49,850.00
Feddah	Nabeel Abu	1/17/2013	50,000.00
Nesbitt	Brian	1/18/2013	50,000.00
Mei	Bangjun	1/22/2013	50,000.00
Xue	Dongning	1/23/2013	50,000.00
White	Louise M	1/24/2013	50,000.00
Naderi	Babak Shahrokh	1/29/2013	49,982.00
Nhu	Pham	1/30/2013	50,000.00
Wieland	Erich	2/7/2013	50,000.00
Casseres-Pinto	Jose	2/12/2013	50,000.00
Vohra	Vikas	2/20/2013	35,000.00
Mesharafa	Rasha	2/22/2013	30,000.00
Chen	Yun	2/25/2013	50,000.00
Iyer	Smitha	2/25/2013	50,000.00
Xu	Junchi	3/1/2013	50,000.00
Wu	Xihong	3/11/2013	50,000.00
Yuan	Zhuzhong	3/11/2013	50,000.00
Liang	Min	3/12/2013	50,000.00
Jacobson	Malka	3/14/2013	50,000.00
Pinto	Janne	3/22/2013	50,000.00
Qian	Fang	4/5/2013	35,000.00
Jafari	Fatemah	4/5/2013	30,000.00
Moita	Carlos	4/8/2013	50,000.00
Xie	Li	4/9/2013	49,978.00
Outmezguine	Candice	4/9/2013	34,964.00

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Du	Kuang	4/9/2013	50,000.00
Wareham	Jane	4/9/2013	35,000.00
Zhang	Li	4/24/2013	50,000.00
Fan	Cui	4/24/2013	50,000.00
Qureshi	Almasood	4/30/2013	25,000.00
Bashir	Shama	4/30/2013	40,000.00
Huerta	Salvador Juan	5/6/2013	50,000.00
Ravelo	Roger	5/10/2013	50,000.00
Hiller	Carlos	5/14/2013	50,000.00
Meisels	Lori	5/15/2013	50,000.00
Xu	Lainfei	5/17/2013	49,880.00
Seah	Yap Thaim	5/17/2013	49,983.00
Fey	Cristina	6/4/2013	50,000.00
Guo	Yuyan	6/6/2013	50,000.00
Peng	Xufeng	6/20/2013	49,975.00
Patel	Nidhi	7/10/2013	50,000.00
Wattanamano	Pornthep	7/15/2013	35,000.00
Zhu	Xiaolan	7/24/2013	49,969.57
Su	Enquan	7/25/2013	50,000.00
Aguiar	Edward	8/13/2013	25,000.00
Shrestha	Binaya Kumar	8/19/2013	20,000.00
Lebedieva	Khrystyna	8/19/2013	50,000.00
Azcarate	Antonio	8/19/2013	25,000.00
Mian	Tariq	8/21/2013	50,000.00
Lamichhane	Khem Raj	8/21/2013	20,000.00
Tkhapa	Gkhan Shiyam	8/22/2013	20,000.00
Lau	Wendy Wan Sze	8/27/2013	50,000.00
Pietri	Jose A	8/29/2013	50,000.00
Su	Jun	8/29/2013	50,000.00
Huang	Yuefen	9/5/2013	50,000.00
Abdullah	Rasheed	9/6/2013	50,000.00
Huang	Wei	9/10/2013	49,996.00
Zuo	Qi	9/10/2013	50,000.00
Muhaisen	Abir	9/11/2013	50,000.00
Talarico	Luca	9/16/2013	40,000.00
Guan	Yi	9/17/2013	49,853.00
Ahmed	Kawsar Lubna	9/19/2013	35,000.00
Obando	Carlos	9/26/2013	50,000.00
Chutiraka	Kasana	10/23/2013	35,000.00
Jiang	Feng	10/29/2013	50,000.00
Yang	Ling	10/31/2013	50,000.00
Hu	Wenli	11/7/2013	50,000.00
Li	Dan	11/8/2013	50,000.00
Lai	Hongjun	11/12/2013	50,000.00
Su	Yongtau	11/12/2013	50,000.00

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Han	Shu	11/12/2013	50,000.00
Liu	Chang	11/14/2013	50,000.00
Ji	Xueying	11/18/2013	50,000.00
Zhang	Qianying	11/27/2013	50,000.00
Alle	Munir R.	12/2/2013	30,000.00
Hanna	Hanna Ghattas	12/2/2013	49,994.00
Iqbal	Shehyar	12/12/2013	35,000.00
Solano Frias	Isidro	12/16/2013	50,000.00
Ngo	Phuong	12/30/2013	50,000.00
Thao	Le Thi Van	12/31/2013	50,000.00
Romano	Ricardo Garrido	1/2/2014	50,000.00
Quintero	Nelson	1/8/2014	50,000.00
Qi	Yin Yin	1/10/2014	50,000.00
Chen	Wei	1/10/2014	50,000.00
Zhao	Lin	1/13/2014	50,000.00
Duong	Thi Liem	1/17/2014	49,985.00
Ledzema Rodriguez	Bernard	1/21/2014	50,000.00
Zhang	Xiaofu	1/22/2014	50,000.00
Zierl	Karina	1/30/2014	50,000.00
Cheng	Hongkuan	1/30/2014	50,000.00
Kabir	Shahriar	2/4/2014	50,000.00
Sun	Yanfen	2/4/2014	50,000.00
Fraser	George	2/11/2014	34,975.00
Bolivar	Michael Sayegh	2/20/2014	35,000.00
Thelven	Michael Arne	2/20/2014	34,973.00
Zhu	Shenliang	2/20/2014	50,000.00
Huang	Yongchen	2/28/2014	50,000.00
Li	Yan	3/6/2014	50,000.00
Gan	Li Fen	3/14/2014	50,000.00
Gryngarte	Giselle K.	3/20/2014	50,000.00
Otaola	Gonzalo	3/21/2014	50,000.00
Pan	Mei Ye	3/26/2014	50,000.00
Dahlan	Mohammed	3/28/2014	35,000.00
Pu	Jing	4/2/2014	50,000.00
Albou	Caroline	4/2/2014	50,000.00
Li	Wenxiang	4/8/2014	50,000.00
Sun	Jun	4/9/2014	50,000.00
Ni	Jingyi	4/17/2014	50,000.00
Lin	Chaoqing	4/17/2014	50,000.00
Ji	Yu	4/17/2014	50,000.00
Lan	Ping	4/21/2014	50,000.00
Chang	Huiqin	4/21/2014	50,000.00
Vora	Priyamvada	4/28/2014	35,000.00
Yang	Ying	5/7/2014	50,000.00
Xie	Zuojian	5/16/2014	50,000.00

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Lu	Junwen	5/16/2014	50,000.00
Sermonia Jr.	Jovito J.	5/19/2014	50,000.00
Feng	Xiaofeng	5/28/2014	50,000.00
Chen	Shuguang	6/26/2014	50,000.00
Patel	Neha Amitkumar	7/14/2014	35,000.00
Yi	Wang	7/25/2014	50,000.00
Zhang	Yao	7/31/2014	50,000.00
Sang	Sheng Yuan	8/18/2014	50,000.00
Zhang	Liguang	8/21/2014	50,000.00
Puri	Adeep	8/21/2014	50,000.00
Romero	Miguel	9/2/2014	50,000.00
He	He	9/5/2014	50,000.00
Nguyen	Quyet Dinh	9/18/2014	30,000.00
Li	Jian	11/13/2014	50,000.00
Hu	Xinjie	1/8/2015	50,000.00
Garza	Santiago	1/13/2015	25,000.00
Liu	Chunling	1/26/2015	50,000.00
You	Manwei	2/6/2015	50,000.00
Lu	Yao	2/27/2015	50,000.00
Aquino	Bernard Santos	4/6/2015	25,000.00
Wang	Wei	4/17/2015	49,991.00
Yang	Jun	4/20/2015	50,000.00
Thao	Le Thi Van	5/11/2015	20,000.00
Nguyen	Thanh Phong	5/11/2015	50,000.00
Shang	Yawen	5/14/2015	49,988.00
Bexton	Brian	6/15/2015	35,000.00
Zhang (2)	Ling	7/3/2015	50,000.00
Wang	Chen	7/3/2015	50,000.00
Chu	Lijuan	7/6/2015	50,000.00
Hernandez Briceno	Luis Miguel	7/20/2015	50,000.00
Leon	Pedro Jose Brito	8/4/2015	50,000.00
Gao	Siwei	8/10/2015	50,000.00
Bokareva	Anastasia	8/24/2015	35,000.00
Zhang	Yusheng	8/27/2015	50,000.00
Zou	Chenghan	9/1/2015	50,000.00
Machado	Paulo Rogerio De Morais	9/8/2015	50,000.00
Pinochet	Oscar	9/11/2015	35,000.00
Wu	Zhongwei	9/15/2015	49,995.00
Zhang	Yan	9/15/2015	49,979.00
Minh	Pham Le	9/18/2015	50,000.00
Chen	Qiurun	9/22/2015	50,000.00
Jiang	Shubo	9/23/2015	50,000.00
Fu	Lingjiao	9/30/2015	50,000.00
Lu	Na	10/9/2015	49,975.00
Tsang	Tat Ming	11/10/2015	50,000.00

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Vu	Hanh My	11/16/2015	50,000.00
Qin	Feng	12/7/2015	50,000.00
Allsop	Beril John	12/10/2015	40,000.00
Chen	Xiao	12/11/2015	50,000.00
Liu	Fanming	3/3/2016	50,000.00
Xiong	Guangyi	3/21/2016	50,000.00

DEFENDANT: ARIEL QUIROS
CASE NUMBER: 5:19-cr-76-1**SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A** ☒ Lump sum payment of \$ 8,338,900.77 due immediately, balance due
- ☐ not later than _____, or
- ☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B** ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C** ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D** ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E** ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F** ☒ Special instructions regarding the payment of criminal monetary penalties:
Principal payments shall be a minimum of 10% of defendant's gross earnings. Restitution is owed joint and several as to the entirety with co-defendant William Kelly and limited to \$250,000 with co-defendant William Stenger. The Clerk of the Court will submit restitution payments for the victims to Jay Peak receiver Michael Goldberg, Akerman LLP, 201 East Las Olas Boulevard, Suite 1800, Fort Lauderdale, FL 33301.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☒ Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
William Kelly (5:19-cr-76-2)	8,338,600.77	8,338,600.77	

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

DEFENDANT: ARIEL QUIROS
CASE NUMBER: 5:19-cr-76-1**ADDITIONAL DEFENDANTS AND CO-DEFENDANTS HELD JOINT AND SEVERAL**

Case Number Defendant and Co-Defendant Names (including defendant number)	<u>Total Amount</u>	Joint and Several <u>Amount</u>	Corresponding Payee, <u>if appropriate</u>
William Stenger (5:19-cr-76-4)	\$8,338,600.77	\$250,000.00	

DEFENDANT: ARIEL QUIROS
CASE NUMBER: 5:19-cr-76-1
DISTRICT: District of Vermont

STATEMENT OF REASONS

(Not for Public Disclosure)

Sections I, II, III, IV, and VII of the Statement of Reasons form must be completed in all felony and Class A misdemeanor cases.

I. COURT FINDINGS ON PRESENTENCE INVESTIGATION REPORT

- A. ☒ The court adopts the presentence investigation report without change.
- B. ☐ The court adopts the presentence investigation report with the following changes. *(Use Section VIII if necessary)*
(Check all that apply and specify court determination, findings, or comments, referencing paragraph numbers in the presentence report.)
1. ☐ Chapter Two of the United States Sentencing Commission [Guidelines Manual](#) determinations by court: *(briefly summarize the changes, including changes to base offense level, or specific offense characteristics)*
 2. ☐ Chapter Three of the United States Sentencing Commission [Guidelines Manual](#) determinations by court: *(briefly summarize the changes, including changes to victim-related adjustments, role in the offense, obstruction of justice, multiple counts, or acceptance of responsibility)*
 3. ☐ Chapter Four of the United States Sentencing Commission [Guidelines Manual](#) determinations by court: *(briefly summarize the changes, including changes to criminal history category or scores, career offender status, or criminal livelihood determinations)*
 4. ☐ Additional Comments or Findings: *(include comments or factual findings concerning any information in the presentence report, including information that the Federal Bureau of Prisons may rely on when it makes inmate classification, designation, or programming decisions; any other rulings on disputed portions of the presentence investigation report; identification of those portions of the report in dispute but for which a court determination is unnecessary because the matter will not affect sentencing or the court will not consider it)*
- C. ☐ The record establishes no need for a presentence investigation report pursuant to Fed.R.Crim.P. 32.
Applicable Sentencing Guideline: *(if more than one guideline applies, list the guideline producing the highest offense level)* _____

II. COURT FINDING ON MANDATORY MINIMUM SENTENCE *(Check all that apply)*

- A. ☐ One or more counts of conviction carry a mandatory minimum term of imprisonment and the sentence imposed is at or above the applicable mandatory minimum term.
- B. ☐ One or more counts of conviction carry a mandatory minimum term of imprisonment, but the sentence imposed is below a mandatory minimum term because the court has determined that the mandatory minimum term does not apply based on:
- ☐ findings of fact in this case: *(Specify)*
 - ☐ substantial assistance (18 U.S.C. § 3553(e))
 - ☐ the statutory safety valve (18 U.S.C. § 3553(f))
- C. ☒ No count of conviction carries a mandatory minimum sentence.

III. COURT DETERMINATION OF GUIDELINE RANGE: *(BEFORE DEPARTURES OR VARIANCES)*

Total Offense Level: 34
Criminal History Category: I
Guideline Range: *(after application of §5G1.1 and §5G1.2)* 151 to 188 months
Supervised Release Range: 1 to 3 years
Fine Range: \$ 35,000 to \$ 350,000

- ☒ Fine waived or below the guideline range because of inability to pay.

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IV. GUIDELINE SENTENCING DETERMINATION *(Check all that apply)*

- A. ☐ The sentence is within the guideline range and the difference between the maximum and minimum of the guideline range does not exceed 24 months.
- B. ☐ The sentence is within the guideline range and the difference between the maximum and minimum of the guideline range exceeds 24 months, and the specific sentence is imposed for these reasons: *(Use Section VIII if necessary)*
- C. ☒ The court departs from the guideline range for one or more reasons provided in the [Guidelines Manual](#).
(Also complete Section V.)
- D. ☒ The court imposed a sentence otherwise outside the sentencing guideline system (i.e., a variance). *(Also complete Section VI)*

V. DEPARTURES PURSUANT TO THE GUIDELINES MANUAL *(If applicable)*

A. The sentence imposed departs: *(Check only one)*

- ☐ above the guideline range
☒ below the guideline range

B. Motion for departure before the court pursuant to: *(Check all that apply and specify reason(s) in sections C and D)*

1. **Plea Agreement**
 - ☐ binding plea agreement for departure accepted by the court
 - ☐ plea agreement for departure, which the court finds to be reasonable
 - ☐ plea agreement that states that the government will not oppose a defense departure motion.
2. **Motion Not Addressed in a Plea Agreement**
 - ☒ government motion for departure
 - ☐ defense motion for departure to which the government did not object
 - ☐ defense motion for departure to which the government objected
 - ☐ joint motion by both parties
3. **Other**
 - ☐ Other than a plea agreement or motion by the parties for departure

C. Reasons for departure: *(Check all that apply)*

- | | | |
|---|--|---|
| <input type="checkbox"/> 4A1.3 Criminal History Inadequacy | <input type="checkbox"/> 5K2.1 Death | <input type="checkbox"/> 5K2.12 Coercion and Duress |
| <input type="checkbox"/> 5H1.1 Age | <input type="checkbox"/> 5K2.2 Physical Injury | <input type="checkbox"/> 5K2.13 Diminished Capacity |
| <input type="checkbox"/> 5H1.2 Education and Vocational Skills | <input type="checkbox"/> 5K2.3 Extreme Psychological Injury | <input type="checkbox"/> 5K2.14 Public Welfare |
| <input type="checkbox"/> 5H1.3 Mental and Emotional Condition | <input type="checkbox"/> 5K2.4 Abduction or Unlawful Restraint | <input type="checkbox"/> 5K2.16 Voluntary Disclosure of Offense |
| <input type="checkbox"/> 5H1.4 Physical Condition | <input type="checkbox"/> 5K2.5 Property Damage or Loss | <input type="checkbox"/> 5K2.17 High-Capacity, Semiautomatic Weapon |
| <input type="checkbox"/> 5H1.5 Employment Record | <input type="checkbox"/> 5K2.6 Weapon | <input type="checkbox"/> 5K2.18 Violent Street Gang |
| <input type="checkbox"/> 5H1.6 Family Ties and Responsibilities | <input type="checkbox"/> 5K2.7 Disruption of Government Function | <input type="checkbox"/> 5K2.20 Aberrant Behavior |
| <input type="checkbox"/> 5H1.11 Military Service | <input type="checkbox"/> 5K2.8 Extreme Conduct | <input type="checkbox"/> 5K2.21 Dismissed and Uncharged Conduct |
| <input type="checkbox"/> 5H1.11 Charitable Service/Good Works | <input type="checkbox"/> 5K2.9 Criminal Purpose | <input type="checkbox"/> 5K2.22 Sex Offender Characteristics |
| <input checked="" type="checkbox"/> 5K1.1 Substantial Assistance | <input type="checkbox"/> 5K2.10 Victim's Conduct | <input type="checkbox"/> 5K2.23 Discharged Terms of Imprisonment |
| <input type="checkbox"/> 5K2.0 Aggravating/Mitigating Circumstances | <input type="checkbox"/> 5K2.11 Lesser Harm | <input type="checkbox"/> 5K2.24 Unauthorized Insignia |
| | | <input type="checkbox"/> 5K3.1 Early Disposition Program (EDP) |
- ☐ Other Guideline Reason(s) for Departure, to include departures pursuant to the commentary in the [Guidelines Manual](#): *(see "List of Departure Provisions" following the Index in the Guidelines Manual.) (Please specify)*

D. State the basis for the departure. *(Use Section VIII if necessary)*

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VI. COURT DETERMINATION FOR A VARIANCE *(If applicable)*

A. The sentence imposed is: *(Check only one)*

- ☐ above the guideline range
☒ below the guideline range

B. Motion for a variance before the court pursuant to: *(Check all that apply and specify reason(s) in sections C and D)*

1. **Plea Agreement**
 - ☒ binding plea agreement for a variance accepted by the court
 - ☐ plea agreement for a variance, which the court finds to be reasonable
 - ☐ plea agreement that states that the government will not oppose a defense motion for a variance
2. **Motion Not Addressed in a Plea Agreement**
 - ☐ government motion for a variance
 - ☐ defense motion for a variance to which the government did not object
 - ☒ defense motion for a variance to which the government objected
 - ☐ joint motion by both parties
3. **Other**
 - ☐ Other than a plea agreement or motion by the parties for a variance

C. 18 U.S.C. § 3553(a) and other reason(s) for a variance *(Check all that apply)*

- ☐ The nature and circumstances of the offense pursuant to 18 U.S.C. § 3553(a)(1)
- | | | |
|---|--|--|
| <input type="checkbox"/> Mens Rea | <input type="checkbox"/> Extreme Conduct | <input type="checkbox"/> Dismissed/Uncharged Conduct |
| <input type="checkbox"/> Role in the Offense | <input type="checkbox"/> Victim Impact | |
| <input type="checkbox"/> General Aggravating or Mitigating Factors <i>(Specify)</i> _____ | | |
- ☒ The history and characteristics of the defendant pursuant to 18 U.S.C. § 3553(a)(1)
- | | |
|--|---|
| <input type="checkbox"/> Aberrant Behavior | <input type="checkbox"/> Lack of Youthful Guidance |
| <input type="checkbox"/> Age | <input type="checkbox"/> Mental and Emotional Condition |
| <input type="checkbox"/> Charitable Service/Good Works | <input checked="" type="checkbox"/> Military Service |
| <input type="checkbox"/> Community Ties | <input type="checkbox"/> Non-Violent Offender |
| <input type="checkbox"/> Diminished Capacity | <input type="checkbox"/> Physical Condition |
| <input type="checkbox"/> Drug or Alcohol Dependence | <input type="checkbox"/> Pre-sentence Rehabilitation |
| <input type="checkbox"/> Employment Record | <input type="checkbox"/> Remorse/Lack of Remorse |
| <input checked="" type="checkbox"/> Family Ties and Responsibilities | <input type="checkbox"/> Other: <i>(Specify)</i> _____ |
- ☐ Issues with Criminal History: *(Specify)* _____
- ☒ To reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense (18 U.S.C. § 3553(a)(2)(A))
- ☐ To afford adequate deterrence to criminal conduct (18 U.S.C. § 3553(a)(2)(B))
- ☐ To protect the public from further crimes of the defendant (18 U.S.C. § 3553(a)(2)(C))
- ☐ To provide the defendant with needed educational or vocational training (18 U.S.C. § 3553(a)(2)(D))
- ☐ To provide the defendant with medical care (18 U.S.C. § 3553(a)(2)(D))
- ☐ To provide the defendant with other correctional treatment in the most effective manner (18 U.S.C. § 3553(a)(2)(D))
- ☒ To avoid unwarranted sentencing disparities among defendants (18 U.S.C. § 3553(a)(6)) *(Specify in section D)*
- ☒ To provide restitution to any victims of the offense (18 U.S.C. § 3553(a)(7))
- | | | |
|---|--|--|
| <input type="checkbox"/> Acceptance of Responsibility | <input type="checkbox"/> Conduct Pre-trial/On Bond | <input type="checkbox"/> Cooperation Without Government Motion for Departure |
| <input type="checkbox"/> Early Plea Agreement | <input type="checkbox"/> Global Plea Agreement | |
| <input type="checkbox"/> Time Served <i>(not counted in sentence)</i> | <input type="checkbox"/> Waiver of Indictment | <input type="checkbox"/> Waiver of Appeal |
- ☐ Policy Disagreement with the Guidelines (*Kimbrough v. U.S.*, 552 U.S. 85 (2007): *(Specify)* _____)
- ☐ Other: *(Specify)* _____

D. State the basis for a variance. *(Use Section VIII if necessary)*

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VII. COURT DETERMINATIONS OF RESTITUTION

A. ☐ Restitution Not Applicable.

B. Total Amount of Restitution: \$ 8,338,600.77

C. Restitution not ordered: (Check only one)

1. ☐ For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because the number of identifiable victims is so large as to make restitution impracticable under 18 U.S.C. § 3663A(c)(3)(A).
2. ☐ For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because determining complex issues of fact and relating them to the cause or amount of the victims' losses would complicate or prolong the sentencing process to a degree that the need to provide restitution to any victim would be outweighed by the burden on the sentencing process under 18 U.S.C. § 3663A(c)(3)(B).
3. ☐ For other offenses for which restitution is authorized under 18 U.S.C. § 3663 and/or required by the sentencing guidelines, restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweigh the need to provide restitution to any victims under 18 U.S.C. § 3663(a)(1)(B)(ii).
4. ☐ For offenses for which restitution is otherwise mandatory under 18 U.S.C. §§ 1593, 2248, 2259, 2264, 2327 or 3663A, restitution is not ordered because the victim(s)' losses were not ascertainable (18 U.S.C. § 3664(d)(5)).
5. ☐ For offenses for which restitution is otherwise mandatory under 18 U.S.C. §§ 1593, 2248, 2259, 2264, 2327 or 3663A, restitution is not ordered because the victim(s) elected to not participate in any phase of determining the restitution order (18 U.S.C. § 3664(g)(1)).
6. ☐ Restitution is not ordered for other reasons. (Explain)

D. ☐ Partial restitution is ordered for these reasons (18 U.S.C. § 3553(c)):

VIII. ADDITIONAL BASIS FOR THE SENTENCE IN THIS CASE (If applicable)

Pursuant to the decisions of the Supreme Court in *United States v. Booker*, 125 S. Ct. 738 (2005), and *Gall v. United States*, 128 S. Ct. 586 (2007), and the Second Circuit's decision in *United States v. Crosby*, 397 F.3d 103 (2d Cir. 2005), in determining the following sentence the court has considered the United States Sentencing Guidelines applicable in this case, including all departure authority contained in the Guidelines policy statements, as well as all of the factors enumerated in 18 U.S.C. § 3553(a).

The court considered the 18 U.S.C. § 3553(a) factors on the record. It took into consideration that this was the largest fraud Vermont has suffered, that the AnC Bio project was a fiction from beginning to end, that the defendant was the primary financial beneficiary of the fraud, that he lived a lavish lifestyle during the period of the fraud, and that defendant appropriated over \$30,000,000 to himself as the primary recipient of fraudulent money. The court also considered that he has no criminal history, he served his country in the armed services, and that he has important family obligations.

The court accepted the parties' 11(c)(1)(C) plea agreement requesting a sentence of no more than 96 months. It also granted the government's motion for a 5K1.1 departure for substantial assistance.

Defendant's Soc. Sec. No.: 266-31-5445

Date of Imposition of Judgment
4/29/2022

Defendant's Date of Birth: 5/12/1956

/s/ Geoffrey W. Crawford

Defendant's Residence Address: Highway 968 - Kilometer 2
Gate 2, Villa 12C
Rio Grande, Puerto Rico 00745

Signature of Judge

Geoffrey W. Crawford, U.S. District Chief Judge

Defendant's Mailing Address: 23 Calle Principal
Unit 183
Palmer, Puerto Rico 00721

Name and Title of Judge

Date Signed 5/2/2022